## REMARKS

This is a full and timely response to the outstanding Office Action mailed October 4, 2007. Upon entry of the amendments in this response, claims 1 – 21 and 52 – 63 remain pending. In particular, Applicants amend claims 1, 17, 52, and 61. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### I. Rejections Under 35 U.S.C. §112

The Office Action indicates that claim 61 stands rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend claim 61, as indicated above, request withdrawal of the 35 U.S.C. §112 rejection.

### II. Rejections Under 35 U.S.C. §103

#### A. Claim 1 is Allowable Over *E208* in view of *Miura*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication Number 2005/0028208 Ellis et al., ("*E208*") in view of U.S. Patent Number 6,996,837 Miura et al., ("*Miura*"). Applicants respectfully traverse this rejection for at least the reason that *E208* in view of *Miura* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A master set top terminal (STT), comprising:
> a first tuner, configured to receive a first user input via a first interface, the first tuner further configured to, in response to receiving the first user input, tune a television signal from a received multiplexed signal, into a first tuned television signal;
> a second tuner, configured to receive a second user input via a second interface, the second tuner further configured to, in response to receiving the second user input, tune the television signal from the received multiplexed signal, into a second tuned television signal, wherein the second tuner is configured as a dedicated tuner for providing at least one tuned signal for display at a second viewing device, the second viewing device being co-located with the master STT;

an encoder coupled to the first tuner and configured to receive the first tuned television signal, the encoder further configured to digitally encode the first tuned television signal as a first encoded signal;

a transmitter coupled to the encoder and configured to transmit the encoded signal to a remote STT to be displayed on a first viewing device, ***wherein the transmitter is further configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, the first encoded signal being encoded in a different format than the second encoded signal***;

a receiver configured to receive a first control signal from the remote STT corresponding to a first user input;

a controller coupled to the receiver and configured to accept the first control signal from the receiver, the controller further configured to instruct the first tuner to change the first tuned television signal in response to the first control signal, such that the transmitter transmits a changed encoded signal to the remote STT for display on the first viewing device.

a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to the second viewing device, the second viewing device being different than the first viewing device.

***(emphasis added)***

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that neither *E208* nor *Miura* discloses, teaches, or suggests a "master set top terminal (STT), comprising... a transmitter coupled to the encoder and configured to transmit the encoded signal to a remote STT to be displayed on a first viewing device, ***wherein the transmitter is further configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, the first encoded signal being encoded in a different format than the second encoded signal***" as recited in claim 1, as amended. More specifically, *E208* discloses "interactive television program guide equipment [that] is connected to one or more remote program guide access devices over a remote access link" (page 2, paragraph [0014], *E208*). However, *E208* does not disclose a transmitter that is configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, where the first encoded signal is encoded in a different format than the second encoded signal" as recited in claim 1, as amended. For at least this reason, claim 1, as amended is allowable over the cited art.

Additionally, *Miura* fails to overcome the deficiencies of *E208*. More specifically, *Miura* discloses "terminal equipment connected to a cable television station to receive a cablecast signal for television programming delivered from the cable television station, being characterized by a master terminal and at least one slave terminal" (column 1, line 44 *Miura*). However, *Miura* fails to disclose a transmitter that is configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, where the first encoded signal is encoded in a different format than the second encoded signal" as recited in claim 1, as amended. For at least this additional reason, Applicants request withdrawal of the rejection of claim 1.

**B. Claim 17 is Allowable Over *E208* in view of *Miura***

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication Number 2005/0028208 Ellis et al., ("*E208*") in view of U.S. Patent Number 6,996,837 Miura et al., ("*Miura*"). Applicants respectfully traverse this rejection for at least the reason that *E208* in view of *Miura* fails to disclose, teach, or suggest all of the elements of claim 17. More specifically, claim 17 recites:

> A master set top terminal (STT), comprising:
> a first tuner, configured to receive a first user input via a first interface, the first tuner further configured to, in response to receiving the first user input, tune a television signal from a received multiplexed signal, into a first tuned television signal, wherein the first tuner is configured for providing at least one tuned signal for display at a first viewing device;
> a second tuner, configured to receive a second user input via a second interface, the second tuner further configured to, in response to receiving the second user input, tune the television signal from the received multiplexed signal, into a second tuned television signal, wherein the second tuner is configured as a dedicated tuner for providing at least one tuned signal for display at a second viewing device, the second viewing device being co-located with the master STT;
> a transmitter coupled to the first tuner and configured to transmit the first tuned digital television signal to a remote STT to be displayed on the first viewing device;
> a receiver configured to receive a first control signal from the remote STT corresponding to a user input;

a controller coupled to the receiver and configured to accept the control signal from the receiver, the controller further configured to instruct the first tuner to change the first tuned television signal in response to the first control signal, such that the transmitter transmits the changed first tuned digital television signal to the remote STT for display on the viewing STT within two seconds from the remote STT receiving the user input; and

a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to the second viewing device, the second viewing device being different than the first viewing device,

wherein the transmitter is further configured to ***transmit a first encoded signal substantially simultaneously with a second encoded signal, the first encoded signal being encoded in a format different than the second encoded signal.***

***(emphasis added)***

Applicants respectfully submit that claim 17, as amended, is allowable over the cited art for at least the reason that neither *E208* nor *Miura* discloses, teaches, or suggests a "master set top terminal (STT), comprising… a transmitter coupled to the first tuner and configured to transmit the first tuned digital television signal to a remote STT to be displayed on the first viewing device… wherein the transmitter is further configured to ***transmit a first encoded signal substantially simultaneously with a second encoded signal, the first encoded signal being encoded in a format different than the second encoded signal***" as recited in claim 17, as amended. More specifically, *E208* discloses "interactive television program guide equipment [that] is connected to one or more remote program guide access devices over a remote access link" (page 2, paragraph [0014] *E208*). However, *E208* does not disclose a transmitter that is configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, where the first encoded signal is encoded in a different format than the second encoded signal" as recited in claim 17, as amended. For at least this reason, claim 17, as amended is allowable over the cited art.

Additionally, *Miura* fails to overcome the deficiencies of *E208*. More specifically, *Miura* discloses "terminal equipment connected to a cable television station to receive a cablecast signal for television programming delivered from the cable television station, being

characterized by a master terminal and at least one slave terminal" (column 1, line 44 *Miura*). However, *Miura* fails to disclose a transmitter that is configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, where the first encoded signal is encoded in a different format than the second encoded signal" as recited in claim 17, as amended. For at least this additional reason, Applicants request withdrawal of the rejection of claim 17.

**C. Claim 52 is Allowable Over *E208* in view of *Miura***

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication Number 2005/0028208 Ellis et al., ("*E208*") in view of U.S. Patent Number 6,996,837 Miura et al., ("*Miura*"). Applicants respectfully traverse this rejection for at least the reason that *E208* in view of *Miura* fails to disclose, teach, or suggest all of the elements of claim 52. More specifically, claim 52 recites:

> A television distribution system comprising:
> a remote set top terminal (STT) comprising:
> a first receiver configured to receive an encoded video signal from a master STT;
> a decoder coupled to the first receiver and configured to translate the encoded video signal into a decoded video signal suitable for a first viewing device;
> a user interface configured to receive a first user input, the user interface further configured to convert the received first user input to a control signal;
> a first transmitter coupled to the user interface and configured to send the control signal to the master STT to achieve a change in the encoded video signal;
> the first receiver configured to receive a change in the encoded video signal responsive to the control signal, wherein the remote STT sends the change to the first viewing device within three seconds of the user input;
> a master STT comprising:
> a first tuner, configured to receive the first user input via a first interface, the first tuner further configured to, in response to receiving the first user input, tune a television signal from a received multiplexed signal, into a first tuned television signal;
> a second tuner, configured to receive a second user input via a second interface, the second tuner further configured to, in response to receiving the second user input, tune a the television signal from the

received multiplexed signal, into a second tuned television signal, wherein the second tuner is configured as a dedicated tuner for providing at least one tuned signal for display at a second viewing device, the second viewing device being co-located with the master STT;

an encoder coupled to the first tuner, the encoder configured to encode the first tuned television signal as a first encoded signal;

a second transmitter coupled to the output of the encoder, and configured to transmit the first encoded signal to the remote STT, the second transmitter further configured to ***transmit a second encoded signal to the remote STT substantially simultaneously with the first encoded signal, the first encoded signal being encoded in a format that is different than the format of the second encoded signal***;

a second receiver configured to receive the control signal from the remote STT corresponding to the first user input;

a controller coupled to the receiver and configured to accept the control signal from the receiver, the controller further configured to instruct the first tuner to change the first tuned television signal in response to the control signal, such that the transmitter transmits a changed encoded signal to the remote STT for display on the first viewing device within three seconds from the remote STT receiving the user input; and

a Radio Frequency (RF) driver coupled to the second tuner, the RF driver configured to facilitate transmission of an independent signal to the second viewing device, the second viewing device being different than the first viewing device.

***(emphasis added)***

Applicants respectfully submit that claim 52, as amended, is allowable over the cited art for at least the reason that neither *E208* nor *Miura* discloses, teaches, or suggests a "television distribution system comprising… a master STT comprising… a second transmitter coupled to the output of the encoder, and configured to transmit the first encoded signal to the remote STT, the second transmitter further configured to ***transmit a second encoded signal to the remote STT substantially simultaneously with the first encoded signal, the first encoded signal being encoded in a format that is different than the format of the second encoded signal***" as recited in claim 52, as amended. More specifically, *E208* discloses "interactive television program guide equipment [that] is connected to one or more remote program guide access devices over a remote access link" (page 2, paragraph [0014] *E208*). However, *E208* does not disclose a transmitter that is configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, where the first encoded signal is encoded in a

different format than the second encoded signal" as recited in claim 52, as amended. For at least this reason, claim 52, as amended is allowable over the cited art.

Additionally, *Miura* fails to overcome the deficiencies of *E208*. More specifically, *Miura* discloses "terminal equipment connected to a cable television station to receive a cablecast signal for television programming delivered from the cable television station, being characterized by a master terminal and at least one slave terminal" (column 1, line 44, *Miura*). However, *Miura* fails to disclose a transmitter that is configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, where the first encoded signal is encoded in a different format than the second encoded signal" as recited in claim 52, as amended. For at least this additional reason, Applicants request withdrawal of the rejection of claim 52.

**D. Claims 2 – 7, 15 – 16, 18 – 21, and 53 – 63 are Allowable Over *E208* in view of *Miura***

The Office Action indicates that claims 2 – 7, 15 – 16, 18 – 21, and 53 – 63 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication Number 2005/0028208 Ellis et al., ("*E208*") in view of U.S. Patent Number 6,996,837 Miura et al., ("*Miura*"). Applicants respectfully traverse this rejection for at least the reason that *E208* in view of *Miura* fails to disclose, teach, or suggest all of the elements of claims 2 – 7, 15 – 16, 18 – 21, and 53 – 63. More specifically, dependent claims 2 – 7 and 15 – 16 are believed to be allowable over *E208* and *Miura* for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 18 – 21 are believed to be allowable over *E208* and *Miura* for at least the reason that they depend from allowable independent claim 17. Further, dependent claims 53 – 63 are believed to be allowable over *E208* and *Miura* for at least the reason that they depend from allowable independent claim 52. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### E. Claims 8 – 14 are Allowable Over *E208* in view of *Miura* further in view of *Van Der Schaar*

The Office Action indicates that claims 8 – 14 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication Number 2005/0028208 Ellis et al., ("*E208*") in view of U.S. Patent Number 6,996,837 Miura et al., ("*Miura*") further in view of U.S. Patent Number 6,697,426 Van Der Schaar et al., ("*Van Der Schaar*"). Applicants respectfully traverse this rejection for at least the reason that *E208* in view of *Miura* further in view of *Van Der Schaar* fails to disclose, teach, or suggest all of the elements of claims 8 – 14. More specifically, dependent claims 8 – 14 are believed to be allowable over *E208* and *Miura* for at least the reason that these claims depend from allowable independent claim 1. Since *Van Der Schaar* does not remedy the deficiencies of *E208* and *Miura*, claims 8 – 14 are allowable as a matter of law. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002). For at least this reason, Applicants respectfully request withdrawal of this rejection.

## III. Allegedly Well Known and Inherent Subject Matter

### A. The Subject Matter of Claims 14, 58, and 59 is Not Well Known

#### 1. Claim 14

In rejecting claim 14, the Office Action states "Official Notice is taken that providing encoding parameter in the transmitted signal for enabling the receiving device to decode the transmitted signal using multiple decoding algorithms according to the encoding parameter is well known in the art" (page 20, line 14). Applicants respectfully traverse the allegation of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a

couple of references) that allegedly discloses the subject matter in question does not rise to an evidentiary level of being well known in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combination that includes "a remote STT to be displayed on a first viewing device, ***wherein the transmitter is further configured to transmit the first encoded signal substantially simultaneously with a second encoded signal, the first encoded signal being encoded in a different format than the second encoded signal***," the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the cited Official Notice, and submit that claim 14 is patentable in view of the cited art.

**2. Claim 58**

In rejecting claim 58, the Office Action states "Official Notice is taken that encoding format includes H.263 is well known in the art" (page 15, last paragraph). Applicants respectfully traverse the allegation of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question does not rise to an evidentiary level of being well known

in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combination that includes "a second transmitter coupled to the output of the encoder, and configured to transmit the first encoded signal to the remote STT, the second transmitter further configured to ***transmit a second encoded signal to the remote STT substantially simultaneously with the first encoded signal, the first encoded signal being encoded in a format that is different than the format of the second encoded signal,***" the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the cited Official Notice, and submit that claim 58 is patentable in view of the cited art.

**3. Claim 59**

In rejecting claim 59, the Office Action states "Official Notice is taken that encoding format includes low bit rate MPEG-2 is well known in the art" (page 16, line 5). Applicants respectfully traverse the allegation of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question does not rise to an evidentiary level of being well known

in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combination that includes "a second transmitter coupled to the output of the encoder, and configured to transmit the first encoded signal to the remote STT, the second transmitter further configured to ***transmit a second encoded signal to the remote STT substantially simultaneously with the first encoded signal, the first encoded signal being encoded in a format that is different than the format of the second encoded signal***," the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the cited Official Notice, and submit that claim 59 is patentable in view of the cited art.

**B. <u>The Subject Matter of Claims 1, 17, and 52 is Not Inherent</u>**

In addition, the Office Action asserts that "it is inherent that the master STT (primary television equipment) comprises an encoder coupled to the first tuner and configured to receive the first tuned television signal, the encoder further configured to digitally encode the first tuned television signal; and a transmitter coupled to the encoder configured to transmit the encoded signal to the remote STT (e.g., remote access device) to be displayed on a first viewing device so that the selected program be digitized and transmitted as a MPEG-2 data stream over remote access link using access communications and the selected program is display on a suitable display device at the remote location" (page 5, last paragraph). Applicants respectfully

traverse the finding of inherency. It is well established that "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999).

Applicants respectfully submit that the Office Action fails to adequately establish that the subject matter of claims 1, 17, and 52 is necessarily present. As the Office Action fails to provide any extrinsic evidence that makes clear that the missing descriptive matter is necessarily present, Applicants respectfully submit that inherency has not been established. In accordance with *In re Robertson*, Applicants traverse the inherency finding, and submit that claims 1, 17, and 52 are allowable over the cited art.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/
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